**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE M.N.KRISHNAN**

**SATURDAY, THE 1ST DECEMBER 2007 / 10TH AGRAHAYANA 1929**

**CRP.No. 56 of 2007(E)**

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**O.P (ELE).NO.55/2002 OF ADDL.DISTRICT COURT-I,MAVELIKKARA**

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**REVISION PETITIONER/ 1ST RESPONDENT:**

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**POWER GRID CORPORATION OF INDIA LTD.,**
**LOCAL OFFICE, NANGIARKULANGARA,**
**KAYAMKULAM, REP. BY ITS MANAGER.**

**BY ADV. SRI.K.P.DANDAPANI (SR.).**

**RESPONDENT/ PETITIONER:**

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**REMAYAMMA, CHAKALA THEKKETHIL,**
**MUTTOM P.O., CHEPPAD VILLAGE.**

**BY ADV. SRI. R.AZAD BABU.**

**THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 01/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**M.N.KRISHNAN, J**

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**C.R.P. No.880 OF 2006**

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**Dated this the 1st day of December 2007**

**ORDER**

This revision petition is preferred against the judgment in O.P.(Elec.) 250 of 2002 of the Addl.District Court-I, Mavelikkara whereby the court below has awarded enhanced compensation of Rs.1,77,643/- with 6% interest. Learned counsel for the petitioner had drawn my attention to the decision of the Apex Court reported in ***K.S.E.B. Livisha(2007(3) KLT 1).*** A perusal of the award would show that the court below has relied on the decision of this court reported in ***Kumba Amma v. K.S.E.B.(2000(1) KLT 542),*** whereby the court below has taken 5% annuity instead of 10% annuity. The Apex Court in the decision referred to above has stated that each case has to be decided on the facts and circumstances of that case and had given the following guidelines.

> "The situs of the land, the distance between the high voltage electricity line laid thereover, the extent of the line thereon as also the fact as to whether the high voltage line passes over a small track of land or through the middle of the land and other similar relevant factors in our opinion would be determinative. The value of the land would also be a relevant factor. The owner of the land furthermore, in a given situation may lose his substantive right to use the property for the purpose for which the same was meant to be used. So far as the compensation in relation to fruit

> bearing trees are concerned the same would also depend upon the facts and circumstances of each case".

**2.** In the light of the said decision, the matter requires reconsideration and for which additional particulars may be necessary. Therefore the order under challenge is set aside and the matter is remitted back to the court below for fresh consideration by permitting the parties to adduce both documentary and oral evidence in support of their contentions and dispose of the matter on the basis of the enunciated principles laid down in ***2007(3) KLT 1.*** Parties are directed to appear before the court below on 14.1.2008.

**C.R.P** is disposed of as above.

**M.N.KRISHNAN, JUDGE**

**Cdp/-**